

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MATTHEW C. ZORN,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Civil Action No. 4:22-CV-02396

**JOINT STATUS REPORT AND
NOTICE OF WITHDRAWAL OF MOTION**

In accordance with the Court's June 30, 2023 Order to Report, Plaintiff Matthew Zorn and Defendants, the United States Department of Justice, et al., file this joint status report and notice of withdrawal. As explained in more detail below, other than the pending motions, which the parties have agreed to streamline, there are no issues that require the Court's immediate attention.

1. As the Court is aware, there are several pending motions that are ripe for resolution. *See* Dkt. Nos. 28, 31, and 42.

2. With regard to the pending motions, the parties wish to bring two issues to the Court's attention. The first concerns the interplay between the Third Amended Complaint, Dkt. 61, and the pending dispositive motions. Consistent with the Rule 41 notice, Dkt. 44, the Third Amended Complaint drops the Seventh and Ninth Causes of Action. It also removes certain Plaintiffs and makes other conforming/non-substantive edits. An amended complaint typically moots pending dispositive motions. However, here, the parties agree and stipulate that the current briefing on Defendants' partial motion to dismiss, Dkt. 42, and Plaintiff's motion for partial summary judgment, Dkt. 28, should apply in full to the Third Amended Complaint.

3. In addition, to expedite and streamline consideration of the issues related to Plaintiff's main claims—and without conceding the merits of the underlying issues—Plaintiff agrees to dismiss his Sixth Cause of Action (Affirmative Disclosure/Reading Room) without prejudice and withdraw his pending motion for targeted discovery that relates predominantly to that claim (Dkt. 31).

4. The parties agree that the Court should not schedule next steps in this case until after the remaining pending motions are resolved.

DATED: July 21, 2023

Respectfully Submitted,

ALAMDAR S. HAMDANI
United States Attorney

s/Jimmy A. Rodriguez
Jimmy A. Rodriguez
Assistant United States Attorney
Southern District of Texas
Attorney in Charge
Texas Bar No. 24037378
Federal ID No. 572175
1000 Louisiana, Suite 2300
Houston, Texas 77002
Tel: (713) 567-9532
Fax: (713) 718-3303
jimmy.rodriguez2@usdoj.gov

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

ELIZABETH J. SHAPIRO
Deputy Branch Director

James R. Powers
Trial Attorney

Civil Division, Federal Programs Branch
U.S. Department of Justice
Texas Bar No. 24092989
1100 L Street, NW
Washington, DC 20005
Tel: (202) 353-0543
James.r.powers@usdoj.gov

Attorneys for Defendants

/s/ Matthew C. Zorn
Matthew C. Zorn
Yetter Coleman LLP
mzorn@yettercoleman.com
811 Main Street, Suite 4100
Houston, TX 77002
T: (713) 632-8000
F: (713) 632-8002

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on July 21, 2023, a true and correct copy of the foregoing was filed with the United States District Clerk for the Southern District of Texas and electronically served on all counsel of record via the District's ECF system.

s/ Jimmy A. Rodriguez
Jimmy A. Rodriguez
Assistant United States Attorney